

FISCAL NOTE

SB 3034 - HB 3118

March 18, 2000

SUMMARY OF BILL:

- Amends TCA 35-50-124(a) to give a trustee responsibility over a decedent's or settlor's spouse who is a trustee of a testamentary. Grants the trustee responsibility over an inter vivos trust for which a marital deduction has been allowed. For definition purposes:
 - A settlor can be a grantor or donor in a deed of settlement and a settlor may also create a trust.
 - A deed of settlement is an agreement that names the trustees and the regulations for the management of the deed.
 - A testamentary is typically a document such as a will, which takes effect after the death of the person that constructed such document.
- Amends TCA 35-50-124(a)(4) by providing for the apportionment of trustees if there is not a qualified trustee and if the document that created the trust does include provisions for appointing an independent trustee.
- Amends TCA 35-50-124(b) by deleting the current subsection, which has provisions for trusts, executed after December 31, 1997.
- Deletes TCA 35-50-125, which includes the duties and powers of corporate trustees.
- Adds a new section to TCA, Title 35, Chapter 50 that provides that a certification of a trust to be issued include such information as:
 - The date when the trust came into existence.
 - Identities of the trustor and trustees.
 - The powers of the trustee.
 - Revocability or irrevocability of the trust.
 - Procedures for the succession of a trustee.
 - The trust identification number.
 - Manner in which trust assets should be taken and held.
 - Certain circumstances in which trustees cannot be held liable.

ESTIMATED FISCAL IMPACT:

MINIMAL

As written, the bill makes changes to the procedure used in the administration of wills, probates, and trusts and rules pertaining to the appointment and responsibilities of trustees.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



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James A. Davenport, Executive Director